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AFFILIATES, LLC, AND SHC MANAGEMENT CORPORATION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID J. CHAO, an individual,

Plaintiff,

vs.

HEALTHSOUTH CORPORATION, a
Delaware corporation; SHC SAN DIEGO,
INC., a Georgia corporation; SHC
MANAGEMENT COMPANY, a Georgia
corporation; SURGICAL HEALTH
CORPORATION, a Delaware corporation;
HEALTHSOUTH SURGERY CENTERS-
WEST, INC., a Delaware corporation;
SURGICAL CARE AFFILIATES, LLC a
Delaware Limited Liability corporation;
ARTHROSCOPIC & LASER SURGERY
CENTER OF SAN DIEGO, L.P., and
DOES 1 through 100, inclusively,

Defendants.

CASE NO. 3:07-cv-2408 DMS WMc

**DEFENDANTS' HEALTHSOUTH
CORPORATION, SHC MANAGEMENT
CORPORATION AND SURGICAL CARE
AFFILIATES REQUEST TO CONTINUE
THE EARLY NEUTRAL EVALUATION
CONFERENCE**

Date: February 4, 2008
Time: 9:30 a.m.
Department: Chambers of
Judge William McCurine, Jr.

Defendants HealthSouth Corporation, SHC Management Corporation and Surgical Care
Affiliates, LLC, respectfully request that the Early Neutral Evaluation Conference currently set for
February 4, 2008, before the Hon. William McCurine, Jr., be continued for approximately 45 days
to allow said Defendants to retain new counsel as follows:

1 1. Defendants, HealthSouth Corporation, SHC Management Corporation and Surgical
2 Care Affiliates, LLC, have been served in this action and have retained the firm of Coughlan
3 Semmer & Lipman to jointly defend them in this action. The remaining Defendants, with the
4 exception of Arthroscopic & Laser Surgery Center of San Diego, LP, for which Plaintiff sues
5 derivatively and is aligned with Plaintiff, have not been served and Defendant Surgical Health
6 Corporation was dismissed by Plaintiff. It was anticipated that Coughlan Semmer & Lipman
7 would appear as attorney of record once the other Defendants were served, and has agreed to
8 accept service for said Defendants.
9

10 2. This case was removed to this Court by Defendant Surgical Care Affiliates, LLC on
11 December 26, 2007. HealthSouth Corporation joined in Surgical Care Affiliates' Petition for
12 Removal on that date and answered the Complaint on December 31, 2008. Defendant SHC
13 Management Corporation also joined in the Petition for Removal and answered the Complaint on
14 January 2, 2008.
15

16 3. It has come to the attention of HealthSouth Corporation just this week that
17 Coughlan Semmer & Lipman represents an individual in a matter unrelated to this litigation, but
18 who may, in the future, become adverse to HealthSouth Corporation, and HealthSouth has
19 determined it is best served by retaining new counsel at this time. The Defendants wish to use one
20 law firm to defend them. Accordingly, Coughlan Semmer & Lipman will be substituting out of
21 this case as attorney of record for Defendants shortly.
22

23 4. It is anticipated that Defendants will be able to promptly retain substitute counsel
24 but that new counsel will need at least 30 days to come up to speed on the issues in this case and to
25 be prepared to effectively participate in an Early Neutral Evaluation Conference.
26

27 5. Defendants' current counsel, the undersigned, also just this week, was notified that
28 Plaintiff is contemplating a motion to remand the case to state court which would be filed but likely
 not heard, before the currently scheduled Early Neutral Evaluation Conference on February 4,

2008. Accordingly, it may be most efficient to hold the Early Neutral Evaluation Conference after the resolution of such a motion.

It is therefore, respectfully requested that a new date for the Early Neutral Evaluation Conference be set 45 days from February 4, 2008.

DATED: January 18, 2008

COUGHLAN, SEMMER & LIPMAN, LLP

By s/ Cathleen G. Fitch
Cathleen G. Fitch
Attorneys for Defendants HealthSouth
Corporation, SHC Management Corporation
and Surgical Care Affiliates, LLC

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify:

1. On this date I caused the within document to be filed and served electronically via the Court's CM/ECF System except as otherwise stated in paragraph #2 below.

2. I caused the documents listed above to be served on the following party/parties by other means addressed to the last known address and delivered as follows:

[] Each envelope was placed for deposit in the U.S. Mail according to the normal business practices observed at this office, with first class postage prepaid to:

N/A

3. I am a member of the Bar of this Court, and it was at my direction the above described service was made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 18, 2008, at San Diego, California.

s/ Cathleen G. Fitch
Cathleen G. Fitch